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SUBJECT: GACACA: SOME JUSTICE, LITTLE RECONCILIATION, IN
ONE SMALL CORNER OF RWANDA

¶1. (SBU) Summary. On November 7, former energy minister Bonaventure Niyibizi traveled to his birthplace in western Rwanda to attend the gacaca trial of four men accused of the murder of his mother in the 1994 genocide. Some measure of justice occurred -- four men offered partial confessions and offered pro forma apologizes for the crime. But none took real responsibility for the murder, and Niyibizi faces threats and hostility when he visits his family's homestead. A full accounting of those involved in the murder appears unlikely, and little reconciliation has occurred in the tiny hillside hamlet. Rwanda's post-colonial history of episodic political upheaval, as well as class, ethnicity and simple social envy, inform the terrible events of 12 years before in a small rural locale. End summary.

¶2. (SBU) On November 7, Bonaventure Niyibizi drove to his birthplace in mile-high western Rwanda to confront four men charged with the murder of his elderly mother at the height of the genocide in April 1994. Approaching the village for the hearing that morning, Niyibizi pointed to a nearby hill. "That's where we hid when I was six years old," he said. In the turmoil of independence in the early 1960s, he said, a Belgian priest armed with a pistol had led Hutu villagers armed with machetes on a hunt for Tutsis. Niyibizi, his mother, and his brothers and sisters had barely escaped. On another hillock, Niyibizi pointed out the family compound, where he had begun to construct a new home in 2004. "We have rebuilt seven times since independence," he said. "Seven times our home has been destroyed." Not a stone was left from the home his mother occupied in 1994, he pointed out.

¶3. (SBU) Local residents arrived at the morning's gacaca session on foot, trooping in from the surrounding hillocks, a heavy rain pouring down. Niyibizi drove in from Kigali in a late-model Toyota 4WD. Previously a minister in the Kagame government, he was now a successful banker. No one in the village came close to him in terms of social prominence or economic success. In 1994, he was a senior advisor at USAID, with a good income and steady employment. "They wanted money from my mother," he said. "They assumed she had lots of money in the house."

¶4. (SBU) Niyibizi had let ten years go by before he returned to his mother's compound. "I just couldn't face going back," he said. But in 2004 he decided to rebuild. "I wanted somewhere to bring my children, I wanted to come home." Things went well at first, he said, but then he began to receive threats. "Not many were very welcoming," he said. "The message was that I should stay away." His visit that day for the gacaca session was his first trip back in over a year.

¶5. (SBU) At the trial, each of the four men "confessed" to either accidental or peripheral participation in the crime (each had been previously implicated; confessions can qualify

defendants for reduced sentences). Each offered emotionless and insincere apologies to the Niyibizi family. Although everyone present was free to contribute to the gacaca session (a modified form of traditional justice, with relaxed evidentiary standards), few in the spare and chilly government office, packed with local residents who had lived together for decades, commented on the men's role in the mother's death or events in the hamlet 12 years ago. Said Niyibizi in a whispered aside to polchief: "Many know exactly what happened, and some of them helped. They are friends and relatives; they won't speak."

¶6. (SBU) The gacaca judges, visibly incredulous at the men's unconvincing confessions, postponed their decision to review previous written statements and seek additional testimony. "You call that a confession?" said the gacaca president to one of the men. "What are you apologizing for?" Niyibizi then made extensive remarks on the three-day torture and killing of his seventy-two year old Tutsi mother to the silent assembly of villagers. The four men appended their thumbprints to written records of their confessions, and the nine gacaca judges, wearing their sashes of office over their simple village clothing, filed out from the improvised courtroom.

¶7. (SBU) After the gacaca hearing had ended, Niyibizi stopped at the small house he had begun to construct on the neighboring hillside. Nothing had been disturbed since his last visit a year before -- the walls and roof were intact, and the small yard well-tended. A few workmen had collected at the gate, in expectation of his visit, and he began to discuss with them what needed to be done to finish the house.

"Maybe I will start the work again," he said to polchief.
"Maybe I will start coming back."

¶8. (SBU) Comment. Surveys of Rwandans suggest generally broad support for gacaca, although different elements of the population express differing fears. Some Hutu rural

populations fear wholesale imprisonments; some Tutsi survivors (those present during the genocide) worry the truth will never be known in full, and some face physical threats. The head of Ibuka, the survivors' umbrella organization, told polchief recently, "Perhaps 30 or 40 percent of the truth will be known through gacaca. It's not enough, but it's better than no justice at all in all these cases."

¶9. (SBU) Detailed surveys of dozens of gacaca trials by Lawyers Without Borders show many gacaca courts striving as best they can to reach the truth and make appropriate judgments. Individual courts do err, but others reach just determinations and impose reasonable punishments. The task is monumental, with upwards of 700,000 potential defendants to be judged. Individual justice and completely accurate accounting of all crimes is a goal and hope that cannot be fully realized -- there are limits to the capacity of any human institution, particularly in poor and under-resourced Rwanda. In this case, the murder of Bonaventure Niyibizi's mother may never be fully explained. Social envy, pure criminality, ethnic extremism, all played their part in her death. What will be more important, ultimately, is some measure of acceptance and reconciliation in this remote hillside community. End comment.

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